

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

DONALD L. BLANKENSHIP,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

**Civil Action No. 5:18-CV-00591
Criminal Action No. 5:14-CR-00244**

GOVERNMENT’S MOTION FOR LEAVE TO EXCEED PAGE LIMITATION

The United States, by and through undersigned counsel, respectfully moves under Local Rule 7.1(a) for leave to file a consolidated response in opposition to Donald L. Blankenship’s motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 (R. 663, 704) and his motion requesting an evidentiary hearing (R. 705) that exceeds the 20-page limit. In order to adequately address the issues raised in the § 2255 motion, the United States seeks leave to file a consolidated response of no more than 40 pages.

Good cause exists for extending the page limitation. The defendant’s memorandum in support of his § 2255 motion includes multiple fact-intensive allegations regarding serious claims of misconduct by the United States. Further, the government plans to file a single, consolidated response to the defendant’s § 2255 motion (20 pages), defendant’s memorandum in support (30 pages), and defendant’s separate request for an evidentiary hearing (8 pages) (R. 663, 704, 705). Lastly, before a consolidated response was proposed, defendant’s counsel

previously indicated that they did not object to the government submitting a response of 30 pages to the defendant's memorandum in support alone. (*See* R. 701, at PageID#: 752.)

Accordingly, the United States requests that this Court grant it leave to file a consolidated response of not more than 40 pages.

Respectfully submitted,

MATTHEW G. WHITAKER
Acting United States Attorney General

BENJAMIN C. GLASSMAN
United States Attorney

s/Douglas W. Squires

DOUGLAS W. SQUIRES (OH 0073524)
JESSICA H. KIM (OH 0087831)
S. COURTER SHIMEALL (OH 0090514)
Special Attorneys to U.S. Attorney General
Assistant United States Attorneys
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
Office: (614) 469-5715
Fax: (614) 469-5653

CERTIFICATE OF SERVICE

I, Douglas W. Squires, certify that on November 14, 2018, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users, or if they are not, by serving a true and correct copy at the addresses listed below:

Mr. Howard C. Vick
Michael A. Baudinet
MCGUIREWOODS LLP
Gateway Plaza
800 E. Canal Street
Richmond, VA 23219-3916

Benjamin L. Hatch
MCGUIREWOODS LLP
World Trade Center
101 W. Main Street, Suite 9000
Norfolk, VA 23510-1655

W. Henry Jernigan, Jr.
DINSMORE & SHOHL LLP
707 Virginia Street, East, Suite 1300
P.O. Box 11887
Charleston, West Virginia 25339-1887

/s/Douglas W. Squires
DOUGLAS W. SQUIRES (OH 0073524)
Assistant United States Attorney